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## FACSIMILE TRANSMITTAL SHEET

**TO:** Examiner Fangemonique A. Smith

**FIRM/COMPANY:** Mail Stop Amendment

**FACSIMILE NUMBER:** (571) 273-8300

**CONFIRMATION  
TELEPHONE:**

**FROM:** Ruth Der, Paralegal

**DIRECT DIAL:** 415.957-3031

**DATE:** October 5, 2006

**USER NUMBER:**

**FILE NUMBER:** U.S. Serial No. 10/729,086, Atty. Docket No. R0367-02501

**TOTAL # OF PAGES:** 5  
(INCLUDING COVERSHEET)

**MESSAGE:** Attached are *Information Disclosure Statement* and *Form PTO-1449*.

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.Examiner: Fangemonique A. Smith  
Group Art Unit: 3736For: **TISSUE ACCESSING AND ANCHORING  
DEVICE AND METHOD**

Serial No.: 10/729,086

Filed: December 5, 2003

Atty. Docket No.: R0367-02501

TRANSMITTAL

## CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that these papers are being sent by facsimile to (571) 273-8300, addressed to Attn: Examiner Fangemonique A. Smith, Mail Stop  
Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 10/5/2006 in San Francisco, CA.By: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are the following:

☒ Information Disclosure Statement; and  
☒ Form PTO-1449.

2. Payment of Fees

☒ Applicants believe that there is no fee due in this communication. Should the  
Commissioner find otherwise, the Commissioner is authorized to charge the  
fees due and to credit any overpayment of fees which may be required under 37  
C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket  
No. R0367-02501. A duplicate copy of this transmittal is enclosed for this  
purpose.

Respectfully,

By: Edward J. Lynch  
Registration No. 24,422  
Attorney for ApplicantsDUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94105  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.

Examiner: Fangemonique A. Smith

Group Art Unit: 3736

For: TISSUE ACCESSING AND ANCHORING  
DEVICE AND METHOD

Serial No.: 10/729,086

Filed: December 5, 2003

Docket No.: R0367-02501

**INFORMATION  
DISCLOSURE STATEMENT**

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this correspondence is being transmitted by facsimile to at (571) 273-8300, Attn: Examiner Fangemonique A. Smith, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 10/5/2006 in San Francisco, CA.

By: 

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the reference listed on the attached PTO-1449 form and request that they be considered by the Examiner. Each item of information contained in the Information Disclosure Statement was cited from the Patent Office on a related application not more than three months prior to the filing of this Statement.

Applicants herein believe that there is no fee due with this communication. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to credit any overpayment set forth under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-02501.

Respectfully submitted,

By: 

Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

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OCT 05 2006

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> UNDER 37 CFR §1.56, §1.97, and §1.98 <b>PTO-1449 FORM</b>  SHEET 1 OF 1				ATTORNEY DOCKET NO.:  R0367-02501		SERIAL NO.:  10/729,086	
				APPLICANTS: Burbank et al.		EXAMINER Fangemonique A. Smith	
				FILING DATE: December 5, 2003		GROUP ART UNIT: 3738	

  

U.S. PATENT DOCUMENTS						
† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)
	A180	6,454,727	9/02	Burbank et al.		
	A191	6,494,881	12/02	Bales et al.		
	A192	6,712,775	3/04	Burbank et al.		

  

FOREIGN PATENT DOCUMENTS						
† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)	

  

NON-PATENT DOCUMENTS		
† EXR INITIAL	*REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)

  

EXAMINER'S SIGNATURE	DATE CONSIDERED
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† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609.  
 Line through citation if not in conformance and not considered.  
 Include copy of this form in next communication to applicant.

\* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. 1.98(d).